

# THE CONSTITUTION OF ALTERITY: FERNANDO ORTIZ AND THE BEGINNINGS OF LATIN-AMERICAN ETHNOGRAPHY OUT OF THE SPIRIT OF ITALIAN CRIMINOLOGY

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“Y el mundo a que pertenecía Fernando Ortiz, viéndolo entregado a tales estudios, decía: ¡Qué lástima que un hombre de tanto talento se dedique a estudiar a los negros!”

Alejo Carpentier, refering to the public opinion of Havanna<sup>1</sup>

## An archeology of ethnographic research

In the summer of 1934, as the young Italian jurist Giuseppe Danieli visited the well-known Fernando Ortiz in Havanna in order to ask him his opinion on Cuban legal reform and the crime rate among the Blacks on the island, Ortiz received him, but virtually refused to answer his questions, offering only this strange sentence as a response: “*Per il diritto chiamato penale, io sono definitivamente morto*” (For the law called ‘criminal law’, I am definitively dead).

The sentence had embarrassing consequences; for whether Ortiz had not expressed himself clearly enough, or whether Danieli was not precise in reporting of his visit upon returning to Italy, to the amazement of all concerned, shortly afterward, in the journal *Criminalia*, a lengthy sympathetic obituary appeared, with the headline *Ortiz è morto* (Ortiz has died).<sup>2</sup>

As is well-known, Ortiz himself refuted through his longevity – he did not die until 1969 at the age of 87 – all too clearly the rash announcement.

But I would like to ask: How is it that Ortiz, without whom all of Latin-American anthropology and ethnography in their present forms would not

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<sup>2</sup>Cf. Israel CASTELLANOS in *Miscelánea de estudios dedicados a Fernando Ortiz por sus discípulos, colegas y amigos*, La Habana 1956, vol. i, p. 331.

have been possible, and, as one of the main authors of the *cubanidad*, having become one of the intellectual 'masters' to whom post-revolutionary Cuba most refers, for example Miguel Barnet and other authors of the *novela de testimonio*, who consider Ortiz their ethnographic model – how is it then, that Ortiz' views underwent such an evolution that only the brusque image of his own scientific death seemed appropriate? To be more exact: I would like to know what happened *before* this break; before, for example, the publishing of *Contrapunteo del tabaco y el azúcar*, the epoch-making book in Latin-American scientific history – the book for which Bronislaw Malinowski wrote the preface (1940); the book which included the central topics of *desculturación* / *exculturación*, *transculturación* and, to complete this transitional process, *neoculturación*, which today are necessary components of any analysis concerning clashing cultures; the book which has left traces which can be seen both in Latin-American development sociology as well as in the works of Robert Merton and Talcott Parsons?

Of course, this question can be treated within the framework of Ortiz' individual biography, and the critical literature existing up to this point on the topic used to do so.<sup>3</sup> Born in Cuba in 1881, Ortiz studied in Cuba and Spain and became a consular official of the new republic (Genoa, Marseille) before finally returning to Cuba. About 1915, he was a professor of political economy and constitutional law at the University of Havana, a successful lawyer and legal adviser, a member of the parliament and liberal politician known for his social reform efforts, and an influential review editor and journalist. This mixture and overlapping of different functions and intellectual activities is not unusual but on the contrary, characteristic for a certain type of Latin-American *cultura liberal* of the time. Ortiz' increasing interests in ethnology, anthropology and linguistics, as well as in local and literary history, are in this sense yet another example of his encyclopedic scientific interests, which his Cuban (and not only Cuban) biographers used to emphasize with admiration.<sup>4</sup>

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<sup>3</sup>For biographical information, see Andrés IDUARTE, "Apreciación", in *Miscelánea* [...], op.cit., vol. ii, pp. 851- 857; the introductions by Julio LE RIVEREND, "Fernando Ortiz y su obra cubana" in the Ortiz Reader *Orbita de Fernando Ortiz*, La Habana 1973, and "Ortiz y sus contrapunteos", in F.O., *Contrapunteo cubano del tabaco y el azúcar*, Caracas 1978 (Biblioteca Ayacucho); Salvador BUENO, "Aproximaciones a la vida y la obra de F.O.", in *Casa de las Américas* 1979, No. 113, pp. 119- 128. Indispensable for anyone dealing with the life and work of Ortiz is the *Bio-Bibliografía de Don F.O.*, compiled by Araceli García Carranza, La Habana 1970 (Biblioteca Nacional José Martí), which contains a complete list of Ortiz' publications in books and reviews, as well as a chronology of his life.

<sup>4</sup>Cf. for example LE RIVEREND in the introduction to *Orbita*, op.cit., p.19: "El enciclopedismo fue una característica de su actividad desde el inicio".-

Ortiz is, then, an exponent of a comprehensive, but at the same time typically late colonial and pre-capitalistic erudition.

It is much more interesting, however, to place Ortiz' considerations and the shift in his scientific interests within the general framework of Cuban history. The problem can then also be phrased in another way: If we wish to identify manifestations of alternative cultures – and conceptions such as *transculturación* do not point to anything else than to the contact and conflict of cultures – another question is necessarily implied, namely: alternative to what? The answer usually amounts to the following: Alternative to the dominant structures of cultural production, generally meaning alternative to, depending on which epoch, the ruling upper or middle classes. What if, however, it is precisely this dominant social class which is in the midst of fundamental radical change, as it is the case in Cuba after 1898?

Analyzing 'alternative cultures' then means above all, to illuminate their non-European specific elements, i.e., their *cubanidad*. By means of a scientific and intellectual history case-study, so to speak, I will attempt to expose some decisive elements for an archeology of the analysis of this 'alternative culture', for which Ortiz coined the term *afro-cubano*.

### “Los negros brujos” and the fight against delinquency

From this perspective, if one considers Ortiz' earliest anthropological publication, *Los negros brujos*, from 1906, it is immediately apparent which scientific theories and political convictions are behind this investigation.

When Ortiz speaks of Blacks in Cuba, he does not do it in a scientifically neutral way, but means, above all, a segment of the Cuban population which is underprivileged and insufficiently integrated socially – a population, as with other disadvantaged groups, must be *assisted* in order to be able to contribute to the *progreso moral de nuestra sociedad*. The detailed description of anthropological phenomena such as superstition among the Black population, and the practice of witchcraft by the

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With respect to the non-Cuban bibliography on “Mr. Cuba” (Lino Novás Calvo, 1950) reference should be made in particular to Antonio MELIS, “Il percorso di Fernando Ortiz nella definizione della cultura cubana”, in *Nuova Americana* (Torino) 1980, No. 3, pp. 13-39 and “Fernando Ortiz y el mundo afrocubano: desde la criminología lombrosiana hasta el concepto de transculturación”, in *Cuba: Geschichte – Wirschaft – Kultur* (ed. by Titus Heydenreich), Munich 1987 (= *Lateinamerika-Studien*, 23), pp. 169-181; as well as to Gustavo PEREZ FIRMAT, *The Cuban Condition. Translation and Identity in Modern Cuban Literature*, Cambridge 1989 (Cambridge Studies in Latin American and Iberian Literature, 1), pp.16-66.

*brujos* obviously serves a clearly formulated, enlightening purpose. It is demonstrated in the preface of the book, wherein expressly the *observación positivista* of something – that is, merely the *knowledge* of it –, is directly coupled with the inevitable progress of the *población negra* which results:

La observación positivista de las clases desheredadas en tal o cual aspecto de la vida, y los factores que le impiden un más rápido escalamiento de los estratos superiores, *forzosamente ha de producir el efecto benéfico de apresurar su redención.*<sup>5</sup>

Ortiz' early journal publications also emerge out of this basic position. Some of them appear in 1913 in *Entre cubanos. Psicología tropical*, a stimulating book published in Spanish in Paris and, therefore, virtually impossible to find outside of the Bibliothèque Nationale until its republication in 1987.<sup>6</sup> Unamuno, at this time in correspondence with Ortiz, wrote the foreword.<sup>7</sup> Out of the desire for national integration, moving toward social progress which is to include the underprivileged classes, too, comes the need to eliminate hindering, backwards-oriented phenomena such as the belief in miracles held by the Blacks.

It is indeed amazing to see the epithets which Ortiz – Ortiz, the founder of Latin-American ethnography! – imposed upon the *brujería* and how strongly the African heritage, in the sense which Lévy-Bruhl a short time later called the *âme primitive et prélogique*, was rejected in this first stage. The *brujería*, according to Ortiz' summary, is

un obstáculo a la civilización, principalmente de la población de color, ya por ser la expresión más bárbara del sentimiento religioso desprovisto del elemento moral;<sup>8</sup>

it is supposedly "socialmente negativo", because it keeps the ignorant Blacks, "dada la primitividad que le es característica", "en los bajos fondos de la barbarie africana"<sup>9</sup> and in an impressive crescendo, Ortiz then describes the social character of the *brujos*:

<sup>5</sup>Fernando ORTIZ, *Hampa afro-cubana: Los negros brujos* (ed. Alberto N. Pamies), Miami 1973 (Ebano y Canela, 2), "Advertencias" (my italics).

<sup>6</sup>Ediciones Ciencias Sociales, La Habana. For the context of the first edition, cf. Jean François BOTREL, *La 'Sociedad de ediciones literarias y artísticas - librería Paul Ollendorff'. Contribution à l'étude de l'édition en langue espagnole à Paris au début du XXème siècle*, Talence 1970; according to this study, Ortiz' text appeared in September 1913 in 1650 copies.

<sup>7</sup>The text is not included in the reedition; see therefore Miguel de UNAMUNO, *Obras completas*, Madrid 1966, vol. iii, pp. 982-986. Ortiz' letters to Unamuno (seven pieces, written between 1906 and 1911) can be consulted in the *Casa-Museo Unamuno* in Salamanca, Spain; the letters by Unamuno seem to be lost.

<sup>8</sup>ORTIZ, op. cit., p. 229.

<sup>9</sup>*Ibid.*, p. 227.

Casi siempre delincuentes, estafador continuo, ladrón a menudo, violador y asesino en algunos casos, profanador de sepulcros cuando puede. Lujurioso hasta la más salvática corrupción sexual, concubinario y polígamo, lascivo en las prácticas del culto y fuera de ellas, y formentador de la prostitución ajena,

in short: “un verdadero parásito social” and “uno de los tipos más repugnantes y dañinos de la mala vida cubana”.<sup>10</sup>

With that, the fatal expression was uttered. That which Ortiz actually intended to do was not, before the mid-1920s, to record the means of expression of an alternative culture – namely, that of former Black slaves in contrast to the culture of the white and mulatto-dominated upper and newly-forming middle classes – but much more to record the forms of Cuban delinquency. In the first chapter of his study, Ortiz says in this context that the *mala vida* as the *vida honrada* is indeed of a more or less equivalent nature in all the big cities of America and Europe. The determinants of Cuban delinquency, however, are *especialmente antropológicos*:

En todas [= las grandes ciudades civilizadas] se descubren las mismas llagas de la mendicidad, en todas la repugnante gama de vicios sexuales se muestra completa, en todas la delincuencia habitual adopta formas parecidas. Dada la semejanza de los componentes sociales de las grandes poblaciones, no podía suceder diversamente. [...] En cambio, entre los factores que han contribuido a fijar los caracteres de la mala vida en Cuba hay algunos que no se encuentran en las sociedades comúnmente estudiadas [...] *La observación de la composición étnica* de la sociedad cubana, tan diversa de las europeas, basta para poner de manifiesto las diferencias que han de acentuarse en la mala vida de Cuba con relación a la de los demás países.<sup>11</sup>

In the subtitle of *Los Negros brujos*, Ortiz indicated this with the expression “Apuntes para un estudio de *Etnología Criminal*”. And this is why the investigator, to get information about the Cuban *mala vida*, has to do *anthropological research*.

## The influence of Cesare Lombroso

The significance of that in practice, the difficulty involved in obtaining materials and the distrust he suffered as a result – from the whites as well

<sup>10</sup>*Ibid.*, p. 229.

<sup>11</sup>*Ibid.*, p. 9 f. (my italics).

as the Blacks – are discussed by Ortiz in an autobiographical sketch in 1942.<sup>12</sup> In our context, however, the theoretical aspect is more significant.

It is known that the early works of Fernando Ortiz showed a considerable influence of the Italian criminologist Cesare Lombroso; Julio Le Riverend and later Antonio Melis refer to this several times in their studies on Ortiz.<sup>13</sup> Therefore, it is no coincidence that Ortiz prefaced his *Negro brujo* study with a friendly (though basically meaningless) letter from Lombroso, in the form of a *cartaprólogo*. Already in his juridical dissertation in civil law compensation for criminal offenses, Ortiz intended to conduct a sociological study and quoted Lombroso several times as his major theoretical reference.<sup>14</sup> Virtually unknown remains, however, the concrete form in which Lombroso's thought influenced Ortiz' work and the degree to which his early publications are integrated in a very diverse all-European discussion. With his "nuova scuola penale", Lombroso vehemently attempted to give weight to the subjective factor in crime, that is, above all, no longer to see criminals as those who deviate from moral norms of their own free will, having malicious intent, as 'classical' criminologists believed, but rather to take the psychological aspects, cultural factors, upbringing, the milieu of the criminal's background, etc. into consideration. In other words, he proposed to consider crime essentially as being a product of society.

It is easy to see that, up to this point, Lombroso's opinions still have considerable influence today or that they coincide with today's understanding. What seems curious (and in light of the 'anthropological' experiments of the German National Socialists, downright dangerous) to us today is the characteristic positivistic roots from which Lombroso tried to evolve his basic ideas into a criminal typology. He tried, namely, to use the statistically derived observation that Italian criminals at that time (supposedly) showed increased physical, anatomical or functional disorders in order to prove a causal connection to their criminal activities. Especially in his work *L'uomo delinquente* (<sup>1</sup>1876, <sup>2</sup>1889), Lombroso

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<sup>12</sup>Cf. "Por la integración cubana de blancos y negros", in *Los mejores ensayistas cubanos*, ed. by Salvador Bueno, La Habana 1960, pp. 37-51; reprinted in *Orbita de Fernando Ortiz*, op.cit., pp. 181-191. Here Ortiz says among other things, "Para los blancos aquel libro sobre las religiones de los negros no era un estudio descriptivo, sino lectura pintoresca, a veces divertida y hasta con puntos de choteo. A los negros les pareció un trabajo expreso contra ellos, pues descubriría secretos muy tapados".

<sup>13</sup>Cf. notes 3 and 4.

<sup>14</sup>*Base para un estudio sobre la llamada reparación civil. Memoria para optar al grado de Doctor en Derecho*, Madrid 1901. The Library of the Ibero-Amerikanisches Institut Preussischer Kulturbesitz in Berlin owns a copy of the dissertation, which are extremely rare, this copy including a dedication to Quesada.

wanted to prove the correlation between delinquency and characteristics such as language, gestures or facial expression and emphasized the three criteria of tattoo, inclination to suicide and hand-writing.<sup>15</sup>

It would lead us too far off the track to go into Lombroso's theories in detail, describing their development and the bitter discussion that ensued; I would like to limit myself to a review of the dissension which existed within the different lines of argumentation. Lombroso draws some dubious conclusions in his experiment on typifying the *uomo delinquente*, such as drawing up a "physiognomy of a criminal". Anarchists, for example, can supposedly be unmistakably recognized by their "naturally big ears". He analyzes psychological aspects, such as the propensity toward being aroused, as well as physical characteristics, such as head and ear shapes, tattoos, etc., as "criminogenic factors", and he refers to criminals neologically as *mattoide* (one verging on insanity). This basically leads to declaring crime a specific form of mental illness. These considerations, however, stand in contrast to Lombroso's opinion which holds that social impulses function as the motivating force in regards to crime.

Consequently, Lombroso draws another conclusion than one could gather: when he speaks of born criminals, he doesn't propose to lock them up without much ado. On the contrary: In attempting to expose the social conditions of the delinquency, he demands that an enlightened society must better itself such that crime ceases to exist. Social intervention, however, requires exact knowledge of the crime-triggering factors, and that demands exact observation and description – a practice offering a direct (and obvious) analogy to ethnography.

This is the point where Fernando Ortiz begins his analysis. When he observes, as I quoted earlier, that the *brujo* practices virtually all major categories of crime – from fraud to corpse desecration and the promotion of prostitution – Ortiz' demand is by no means for arrest and incarceration. Much more, Ortiz, like Lombroso, is consistent in looking for the subjective factor in crime. His answer, based on precise observation, is that the *brujo*, with few exceptions, *believes* in what s/he does and is convinced that it serves to accomplish what is right and socially worthwhile. That is why Ortiz demands the elimination of the social conditions

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<sup>15</sup>For a critical discussion of Lombroso's theories in the last few years, cf. the Proceedings of a French conference, published as *Le centenaire de la publication de 'L'uomo delinquente' (1876) de Lombroso*, Paris 1977; as well as Umberto Leva (editor), *La scienza e la colpa. Crimini – criminali – criminologi: un volto dell'Ottocento*, Milano 1985 (Catalogue of an exhibition Torino, Mole Antonelliana), especially the articles by Giacomo Canepa, "Criminologia e antropologia criminale. Origini e sviluppo storico" (*ibid.*, pp. 89-98) and by Virginio Oddone, "La 'scuola' lombrosiana" (*ibid.*, pp. 239-241).

which make the belief in miracles and witchcraft possible, and it becomes obvious how criminological analysis and social reform are intertwined.

Now we understand what Ortiz' intentions were, when, in 1905/06, he published three articles in Lombroso's journal *Archivio di psichiatria, scienze penali ed antropologia criminale*.

The first of these was printed in 1905 and had the following comment on its title page:

L'onorevole Ortiz, già cancelliere del Consolato Cubano, ci regala qui un saggio di un suo forte lavoro *sulla criminalità cubana*.<sup>16</sup>

In this article on the crime rate among Blacks in Cuba, Ortiz refers to the statistically more widespread delinquency among free Blacks as compared to slaves. He shows that ethnic background and the committing of crimes can indeed be correlated in terms of turn-of-the-century Cuba, which of course has nothing to do with ethnic inclination to crime, but supports his idea of Blacks being the most underprivileged segment of the population.

In the second article, published in 1906, Ortiz expanded his observations to the criminogenic factors of superstition<sup>17</sup> and, in the final article of the series, to the problem of *suicide*, the means by which, above all, Black slaves withdrew from the social conditions of the plantation economy.<sup>18</sup> This was a problem that must have especially interested Lombroso, because, in his theory, the tendency toward suicide represents an especially convincing correlate of atavism, namely, the will to resign oneself to a given social situation rather than striving to better it.

Ortiz examines the forms of suicide most common among Blacks, i.e. hanging and poisoning. He then discusses them within the context of a desire to be released from unbearable social conditions, including especially the belief in being reborn in Africa after committing suicide. Ortiz interprets his findings as a characteristic example of the influence of ethnicity on the rate of criminality.

Although no biographical studies up to this point mention the fact, somewhat later, following Lombroso's death, Ortiz worked again on Lombroso's *Archivio*. In 1914, he published in it an article on the ancient origins of the determination of human identity using dactyloscopy.<sup>19</sup> The

<sup>16</sup>Fernando ORTIZ, "La criminalità dei negri in Cuba", in *Archivio di psichiatria, scienze penali ed antropologia criminale*, Terza serie 2 [= 26] (1905), pp. 594-600.

<sup>17</sup>"Superstizioni criminose in Cuba", in *Archivio [...]* 27 (1906), pp. 281-287.

<sup>18</sup>"Il suicidio fra i negri", in *Archivio [...]* 27 (1906), pp. 621-623.

<sup>19</sup>"Le origine antiche della dattiloscopia", in *Archivio [...]* 35 (1914), pp. 45-49.— Cf. also Ortiz' early articles on Lombroso and his work, "El fundador de



first Latin American handbook of fingerprint analysis was also written by Ortiz and had been published in Havana one year before.<sup>20</sup>

## The international context

When one reads Fernando Ortiz' early works in context, it is obvious that criminological observation for the purpose of social reforms leads to a preliminary stage of anthropology.

With such a relatively well-developed aid as that mentioned in the quote at the beginning of this article, "il diritto chiamato penale", Ortiz scientifically attempts to grasp the *alterity* and *different quality* of the alternative culture of the former slaves as opposed to the dominant white culture. In his early works, a 'normal' average society is conceived of, which has deviants who are nevertheless interpreted as being integral parts of that society; the 'alternative culture' is a level of culture which has not yet reached its peak, so to speak, which, however, can and should be incorporated into the national project upon achieving a so-called improved form.

It is also important to show how entrenched Fernando Ortiz was in a European context in his considerations on crimes of the *brujería*.

During this time period, other studies appeared, which, based on very different cities and regions, all attempted to describe their respective *mala vida*. In this sense, *Los negros brujos* is not the first analysis of comparable phenomena; a year earlier, a study on the Evil Eye had already appeared: *La fascinación en España: Brujas - Brujerías - Amuletos*, written by the famous criminal lawyer Rafael Salillas, who was also influenced by Lombroso. In 1898, the study on 'criminogenic' content in picaresque novels came out, from which Ortiz even borrowed the main title for his planned collection of a total of six investigations, namely, *Hampa*, the rather uncommon Spanish word meaning, according to Salillas, the "género de vida" of the "gitanos, ladrones y rufianes".<sup>21</sup> At the

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una ciencia: César Lombroso", in *Cuba y América* 21 (1906), No. 5, pp. 70-71; "César Lombroso", in *Derecho y Sociología* [La Habana] 1 (1906), No. 4, pp. 9-16 and No. 5, pp. 91-96; "El Museo de Lombroso", in *El Figaro*, 1906, No. 22, pp. 282-293; as well as Ortiz' obituary notice, "César Lombroso", in *Cuba y América* 30 (1909), No. 4, pp. 19-24.

<sup>20</sup> *La identificación dactiloscópica: informe de Policiología y de Derecho Público. Seguido de las Instrucciones técnicas para la práctica de la identificación y del Decreto orgánico No. 1173 de 1911*, La Habana 1913.

<sup>21</sup> Rafael SALILLAS, *El delincuente español: Hampa. Antropología picaresca*, Madrid 1898; the volume is dedicated to the memory of Mateo Alemán, born in 1547 (!).

same time or only a few years later, comparable studies appeared on the contemporary *mala vida* of Barcelona, Madrid and Asturias.<sup>22</sup>

The situation was similar throughout the rest of Europe. As early as the 1890s, in the journal *Zeitschrift für das gesamte Strafrechtswesen*, edited by the well-known jurist Franz von Liszt, a study was published on the *mala vida* of Berlin; detailed Italian studies on the same phenomenon also appeared on, above all, Naples, but also on Rome.

Shortly following the publication of Ortiz' works, the most important book for the entire subsequent discussion in Latin America appeared on the topic: *La mala vida en Buenos Aires* (1908), by Eusebio Gómez dealing specifically with the relationship between *immigrants* and crime. And at the turn of the century, two journals tried to spread the Lombroso school of thought in Argentina: the *Criminología moderna*, published between 1898 and 1900, and the *Archivos de psiquiatria, criminología y ciencias afines*, published from 1902 to 1913.<sup>23</sup> The journey to Latin America, in 1907/08, marked the zenith of Lombroso's influence:

Fu un delirio, una frenesia. Ventimila, trentamila Italiani erano venuti ad incontrarci. Ci aspettavano da parecchie ore sul grande piazzale della stazione, nelle vie adiacenti. Ciascuno di noi fu sollevato di peso, collocato in grandi carrozze della Stato in mezzo alla folla urlante che ci copriva di fiori, che evvivava in noi tutto quanto ricordavamo da loro dell'Italia, le città, gli eroi patrii, la scienza, le glorie antiche, le glorie moderne, i nomi più cari a loro, i nomi più cari a noi, il nome soprattutto di Cesare Lombroso.[...] Nell'America Meridionale dappertutto la legislazione è stata modificata in base alle teorie di mio padre, ed il nome di Lombroso è diventato perciò familiare fra

<sup>22</sup>Cf. Manuel GIL MAESTRE, *La criminalidad en Barcelona y en las grandes poblaciones*, Barcelona 1886, and *Los malhechores de Madrid*, Gerona 1889; Manuel JIMENO AZCARATE, *Criminalidad en Asturias*, Oviedo 1900.

<sup>23</sup>Concerning the relationship between the structure of crime and the criminological discourse in the turn-of-the-century Argentina, cf. the studies launched in the 1980s: Julia KIRK / Lyman JOHNSON, "Changing Criminal Patterns in Buenos Aires, 1890-1914", in *Journal of Latin American Studies* 14 (1982), pp. 359-379; and "Estadística criminal y acción policial en Buenos Aires, 1887-1914", in *Desarrollo económico* 24 (1984), No.93, pp. 109-122; Eugenia SCARZANELLA, "El 'lunfardo' en el gabinete del doctor Lombroso: La antropología criminal en la Argentina, 1898-1913", in Antonio ANNINO et al. (eds.), *América Latina dallo stato coloniale allo stato nazione, 1750-1940* [Proceedings of the 7th Congress of the Asociación de Historiadores Latinoamericanistas Europeos], Milano 1987, vol. ii, pp. 886-897.

quella gente come quello di Garibaldi e di Mazzini, gli altri  
Dei protettori del nome d'Italia.<sup>24</sup>

In contrast to the discussion which developed there, and which remained entirely within the sphere of crime prevention, in Ortiz' work, the observation of facts acquired the sense of being a field of its own. This doesn't exclude the criminological aspect – in fact, as already said, Ortiz was responsible for the first Latin American handbook on the analysis of fingerprints – but it does require a clear differentiation of its subjects.

Detached observation, as is required by positivism, can lead to findings differing from those which were originally sought. Ortiz suddenly realized that an examination of the *cultura negra* would by no means be limited to the study of potential criminality, but also incorporated the study of an entire culture having diverse forms of expression, even if these deviated from the dominant white culture.

Starting at this time, Ortiz systematically *collected* material to study. His comprehensive archive, which is part of the collection of his unpublished scientific works now located in the Cuban Academy of Sciences, consists of exactly one hundred *epígrafes*, from "América-España" to "Arqueología", "Arte Negro", and "Carneval" up to "Zapata".<sup>25</sup> Under the heading "Arte Negro" there are a number of photographs in *carpeta* 21, in addition to newspaper articles and an evaluation of the *New York Times Magazine* from 1926 to 1930 which was apparently, at least for some period of time, carried out systematically. Under "Brujos, Santería", there is considerable material on Haiti and the Voodoo, and there is a complete 101-page type-written manuscript entitled "Baile y teatro español" under "Baile". The category "Colón" includes a collection of a total of 207 bibliographical references.

This clearly shows how Ortiz' interest in criminology was already gradually losing ground and being replaced by an ethnographic interest.

Only with his conception of *transculturación*, however, embedded within the framework of a theory of social change, Ortiz could finally better grasp "real" anthropology, his "new" subject. And at this point in the mid 1930s, the "old" Ortiz and his interest in the science of the *diritto chiamato penale* died their final death.

<sup>24</sup>Gina LOMBROSO-FERRERO, *Nell' America Meridionale (Brasile - Uruguay - Argentina)*, Milano 1908, pp. 35 seq. (about the reception in São Paulo).

<sup>25</sup>For a general view, cf. Oreste Gárciga, "El archivo de Fernando Ortiz. Acerca de su estructuración metodológica y fin práctico", in *Santiago*, 1985, No.58, pp. 63- 83.- Grateful acknowledgement is made to José Portuondo, the former President of the Academy of Science, for his permission to consult the *Fondo Ortiz* in autumn 1988, and to Diana Iznaga for her help and advice.